

ORDINANCE NO. 47-129

AN ORDINANCE AMENDING THE “WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS, JANUARY 28, 1999 EDITION,” AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.05.010 (DR2004-10)

WHEREAS, under the authority of K.S.A. 12-741, et seq., the City of Wichita and Sedgwick County desire to amend The Wichita-Sedgwick County Subdivision Regulations to amend provisions regarding utility easements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA;

SECTION 1. Section 28.05.037 of the Code of the City of Wichita shall read as follows:

Section 7-205 of “The Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition” as adopted by reference in Section 28.05.010 of the Code of the City of Wichita is hereby amended to read as follows:

Section 7-205. Easements.

(A) Public Utility Easements. Public utility easements shall be provided where necessary. Easements for public utilities should typically be centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and 10 feet wide along side lot lines. Where necessary to protect existing tree rows from damage, these easements may be widened appropriately, not to exceed 30 feet. Where an existing lot is already served by any water or sewer line in existing utility easements, and the utility easements are less than the minimum width established in this section, additional water easements or sewer easements up to the minimum width shall be provided when there is a request for a lot split or a vacation of a portion of the lot.

Prior to the approval of the lot split or vacation, and within the time provided in Article 6, City of Wichita/Sedgwick County shall take the following actions if the additional easement is required:

(1) All of the owners of lots along the entire block shall be contacted by the City of Wichita/Sedgwick County staff to dedicate such similar additional easements. All property owners shall be informed that the expanded easement improves accessibility for maintenance and repairs and protection of workers.

(2) The City of Wichita/Sedgwick County shall allow pre-existing encroachments to remain and hold property owners harmless from damage to the pre-existing encroachments resulting from the work in the additional easement.

(3) The City of Wichita/Sedgwick County shall offer one hundred dollars (\$100.00) to each property owner for the additional easement.

Utility easements for street lighting purposes shall not be required to exceed 10 feet in width. If a utility easement is to also be used for drainage purposes, the easement shall be designated on the plat as both a utility and drainage easement, and additional width may be required. For plats or lot splits in areas with existing water and sewer mains, a public sewer easement or public water easement may be required to protect a private sewer line or private water line across one ownership to serve another ownership with the approval of the System Planning and Development Division of the City of Wichita Water and Sewer Department.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

PASSED AND ADOPTED by the governing body at Wichita, Kansas, this 19th day of September, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, Director of Law